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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,537

10/21/2003

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EXAMINER

DOAN, KIET M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,537	<b>Applicant(s)</b> TANEDA ET AL.	
	<b>Examiner</b> KIET DOAN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 03/03/2008 have been fully considered but they are not persuasive.

In response to applicant's argument in claim 1 that the reference does not disclose "a pair of flat cabinets connected to each other by a hinge mechanism"; examiner respectfully disagrees and maintain that Murray teaches "a pair of flat cabinets connected to each other by a hinge mechanism" (Col.4, lines 10-36, Fig.1 and Fig.2 Illustrate the radio phone 100 having a pair of flat cabinets 102 and 110 wherein contain hinge that secure the connection of a pair flat cabinets). Further, Examiner brought in the Toyoda reference to secure the limitation of "half segment" wherein all the half segment are connected to each other through hinge 32 as Fig.2 Illustrate.

Therefore, examiner interpreted "a pair of flat cabinets connected to each other by a hinge mechanism" using the broadest reasonable interpretation and as such the rejections are proper and maintained.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2617

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (US 6,011,699) in view of Totoda et al. (US 6,914,982 B2).

**Claim 1.** Murray teaches a portable terminal device of the foldable type comprising a pair of flat cabinets openably connected to each other by a hinge mechanism (Col.4, L10-36, Fig.1 and Fig.2 Illustrate portable terminal device of the foldable type 100 having pair of flat cabinet 102 and 110 and connect by a hinge), each of the cabinets comprising a front cabinet half segment to be opposed to the other cabinet when closed (Fig.2, Illustrate front cabinet half segment portion 106 and Fig.1 Illustrate as front cabinet half segment opposed to the other cabinet when closed).

**Murray fails to explicitly teach** a rear cabinet half segment joined to the front cabinet half segment, said front cabinet half segment being a separate piece from said rear cabinet half segment, one of the pair of cabinets having the front cabinet half segment thereof connected at an end portion thereof to the hinge mechanism and the other cabinet having the rear cabinet half segment thereof connected at an end portion thereof to the hinge mechanism,

such that when the pair of cabinets are closed, with extraneous matter therebetween, no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets.

In an analogous art, Toyoda teaches “Folding portable cellular phone”. Further, **Toyoda teaches** a rear cabinet half segment joined to the front cabinet half segment (Fig.3 Illustrate rear cabinet half segment as read on 16/26 joined to the front cabinet

Art Unit: 2617

half segment as read on 12/22), said front cabinet half segment being a separate piece from said rear cabinet half segment (Fig.1, Illustrate front cabinet half segment 12/22 being a separate piece from said rear cabinet half segment), one of the pair of cabinets having the front cabinet half segment thereof connected at an end portion thereof to the hinge mechanism and the other cabinet having the rear cabinet half segment thereof connected at an end portion thereof to the hinge mechanism (Col.5, Lines 4-41, Fig.1, Illustrate the pair of cabinets having the front cabinet half segment having end portion connected to the hinge cover 13/23 and rear cabinet half segment having end portion connected to the hinge cover 17/27 wherein both end hinge cover 13/23 and 17/27 connected to the hinge mechanism as read on 32)

such that when the pair of cabinets are closed, with extraneous matter therebetween, no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets (Fig.2, Illustrate pair of cabinets are closed and no clearance is created in the joint between the front and rear cabinet half segment).

Therefore, it would have been obvious at the time that the invention was made to modify Murray and Toyoda's system, such that a portable terminal device of the foldable type having a pair of flat cabinets each of the cabinets comprising a front half segment and rear half segment wherein connected through hinge to provide means for forming strength connection of half segment portion.

Art Unit: 2617

Consider **claim 2**. The combination of Murray and Toyoda teach a portable terminal device of the foldable type according to claim 1. Further, Toyoda teaches wherein one of the pair of flat cabinets is a manipulation-side cabinet provided with a plurality of manual keys (Fig.1 No.21 as one of the pair of flat cabinets provided with a plurality of manual keys), and the other cabinet is a display-side cabinet provided with a display (Fig.1, Illustrate No.11 as read on display-side cabinet), the front cabinet segment of the manipulation-side cabinet and the rear cabinet segment of the display-side cabinet being connected to each other by the hinge mechanism (Fig.1 Illustrate the front cabinet segment connect with rear cabinet segment by hinge mechanism 32)

Consider **claim 3**. The combination of Murray and Toyoda teach a portable terminal device of the foldable type according to claim 1. Further, Toyoda teaches wherein the front cabinet segment of the manipulation-side cabinet is provided, and the rear cabinet segment of the display-side cabinet is provided with a pair of annular pieces projecting from one end thereof and spaced apart from each other (Fig.6, Illustrate and described), the annular piece of the manipulation-side cabinet and the annular piece of the display-side cabinet being arranged side by side in contact with each other and have fitted therein a first hinge unit, the other annular piece of the manipulation-side cabinet and the other annular piece of the display-side cabinet being arranged side by side in contact with each other and have fitted therein a second hinge unit (Col.6, Lines 7-51, Fig.6 and Fig.11, Illustrate the front cabinet segment 12 and the

Art Unit: 2617

rear cabinet segment of the display-side 16 contact with each other and have fitted hinge unit).

***Allowable Subject Matter***

Claims 4-7 are allowed.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/  
Examiner, Art Unit 2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617